THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.10620 OF 2005

DATED:22-06-2006

BETWEEN

Sri.B.Papa Rao, and others.

… Petitioner

and

Govt.of A.P.Rep.by its Special Chief Secretary, Revenue Department, Secretariat, Hyderabad, and others.

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.10620 OF 2005

ORDER:

In this writ petition, the notification issued by the Government of Andhra Pradesh, vide G.O.Ms.No.292, Revenue (Registration.I) Department, dated 09.03.2005, is assailed as *ultra vires* and unconstitutional. By the said notification, the Government of Andhra Pradesh in purported exercise of powers under Section 22-A of the Registration Act, 1908 (Registration Act, for brevity) as amended by Registration (A.P.Amendment) Act, 1999 declared the registration of documents in survey Nos.104, 106, 107, 108, 133, 181 to 185 situated in Nizampet village, Quthbullapur Mandal, Ranga Reddy District, among others as opposed to public policy.

It is brought to the notice of this Court by the learned counsel for the petitioner and the learned Assistant Government Pleader for Revenue (General) that a Division Bench of this Court in its Judgment, dated 07.12.2005 in W.P.Nos.14099 of 2003 and batch struck down Section 22-A of the Registration Act as applicable in State of Andhra Pradesh. Therefore, the impugned notification cannot be sustained. Further, in subsequent Judgment in W.P.Nos.17325 of 2005, dated 20.02.2006, a Division Bench of this Court while invalidating similar notification observed as under.

> As a sequel to the above, G.O.Ms.No.810, dated 14.10.2004, is also quashed. However, it is made clear that registration of the documents of the petitioners would remain

subject to the final adjudication by the Supreme Court. This would necessarily mean that if the appeal filed by the State is allowed by the Supreme Court, the registration of the documents of the petitioners shall stand automatically nullified.

Following the above Judgment, the writ petition is allowed subject to the observations of the Division Bench. No costs.

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(V.V.S.RAO,J)

22.06.2006
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